

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

MARION R. MOSLEY, #618348	§	
VS.	§	CIVIL ACTION NO. 6:09cv9
LEAMON E. WHITE, ET AL.	§	

### ORDER OF DISMISSAL

Plaintiff Marion R. Mosley, an inmate confined at the Coffield Unit, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Second Report and Recommendation concluding that complaint should be dismissed. The Plaintiff has filed objections.

The Second Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Plaintiff's civil rights claims are **DISMISSED** with prejudice to their being asserted again until the *Heck v. Edwards*, 512 U.S. 477, 486-87 (1994), and *Edwards v.*

*Balisok*, 520 U.S. 641, 648 (1997), conditions are met, pursuant to 28 U.S.C. § 1915A(b)(1). It is further

**ORDERED** that the Defendant's motion for summary judgment (docket entry #48) is **GRANTED** and the complaint is **DISMISSED** with prejudice pursuant to Fed. R. Civ. P. 56. It is further

**ORDERED** that all other motions by either party not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this 29th day of September, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**